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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/539,772      | 01/12/2006  | Hardy Buerkle        | 095309.56363Us      | 6479             |

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| EXAMINER |
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LARKIN, DANIEL SEAN

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| ART UNIT | PAPER NUMBER |
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2856

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10/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/539,772

Applicant(s)

BUERKLE ET AL.

Examiner

Daniel S. Larkin

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 8-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20 June 2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 20 June 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of the following:

First, references DE 19813432 and EP 556542 have not been provided. This omission fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed.

Second, a concise explanation of reference DE 19605920 has not been provided. This omission fails to comply with 37 CFR 1.98(a)(3), which requires a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language.

The IDS has been placed in the application file, but the information referred to therein, as referenced above, has not been considered as to the merits. Applicants are advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based

on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Specification***

3. The disclosure is objected to because of the following informalities:

Page 1, paragraph [0003], line 1: A -- comma -- should be inserted prior to the term "such".

Page 1, paragraph [0005], line 1: The abbreviation "NO.:" should be corrected to read -- No. --.

Page 1, paragraph [0005], line 6: A -- comma -- should be inserted after the term "fashion".

Page 2, paragraph [0006], line 1: The abbreviation "NO.:" should be corrected to read -- No. --.

Page 2, paragraph [0006], line 4: A -- comma -- should be inserted after the term "chamber".

Page 2, paragraph [0007], line 1: The abbreviation "NO.:" should be corrected to read -- No. --.

Page 2, paragraph [0010], line 2: A -- comma -- should be inserted prior to the term "such".

Page 2, paragraph [0010], line 3: A -- comma -- should be inserted after the term "bottles".

Page 2, paragraph [0010], line 5: A -- comma -- should be inserted after the term

"product".

Page 2, paragraph [0011], line 2: The article -- a -- should be inserted prior to the term "planar".

Page 3, paragraph [0012], line 1: A -- comma -- should be inserted after the term "invention"; and the article -- a -- should be inserted prior to the term "planar".

Page 3, paragraph [0012], line 3: A -- comma -- should be inserted prior to the term "such" and after the term "films".

Page 3, paragraph [0012], line 15: A -- comma -- should be inserted after the terms "seal" and "contact-free".

Page 3, paragraph [0013], line 4: A -- comma -- should be inserted after the term "device".

Page 3, paragraph [0013], line 6: A -- comma -- should be inserted after the term "surface".

Page 3, paragraph [0013], line 8: A -- comma -- should be inserted after the terms "chamber" and "hand".

Page 3, paragraph [0013], line 9: A -- comma -- should be inserted after the terms "chamber" and "hand".

Page 3, paragraph [0013], line 11: A -- comma -- should be inserted after the term "chamber".

Page 3, paragraph [0014], line 1: The term -- invention -- should be inserted after the first occurrence of the article "the".

Page 3, paragraph [0014], line 4: A -- comma -- should be inserted after the term

Art Unit: 2856

"example".

Page 4, paragraph [0015], line 3: A -- comma -- should be inserted after the term "pump".

Page 4, paragraph [0016], line 3: A -- comma -- should be inserted after the term "system".

Page 4, paragraph [0019], line 1: A -- comma -- should be inserted after the terms "leaks" and "figure".

Page 4, paragraph [0019], line 2: A -- comma -- should be inserted prior to the term "which".

Page 4, paragraph [0019], line 4: A -- comma -- should be inserted prior to the term "which".

Page 4, paragraph [0019], line 5: A -- comma -- should be inserted prior to the terms "for" and "foam".

Page 5, paragraph [0022], line 1: The numeral "20" should be corrected to read -- 20a --.

Page 7, paragraph [0027], line 5: A -- comma -- should be inserted after the terms "particular" and "gases".

Page 7, paragraph [0027], line 4: A -- comma -- should be inserted after the term "mechanism".

Page 7, paragraph [0028], line 1: A -- comma -- should be inserted after the term "sensor". Appropriate correction is required.

***Claim Objections***

4. Claims 8-21 are objected to because of the following informalities:

Re claim 8, claim line 1: The article -- a -- should be inserted prior to the term "planar".

Re claim 8, claim line 6: The "comma" should be replaced with a -- semicolon --.

Re claim 9, claim line 1: The article -- a -- should be inserted prior to the term "planar".

Re claim 9, claim line 13: The phrase "the test gas" lacks antecedent basis.

Appropriate correction is required.

***Allowable Subject Matter***

5. The following is a statement of reasons for the indication of allowable subject matter:

Prior art was not relied upon to reject claims 8-21 because the prior art fails to teach and/or make obvious the following:

Claim 8: Providing a method for testing a planar material for leakage, comprising: sealing at least one of a test gas chamber and the measuring chamber at at least one of a test chamber inlet duct and a test chamber outlet duct for the planar material by a gas curtain having a gas pressure higher than a gas pressure in at least one of the test gas chamber and the measuring chamber in combination with all of the remaining limitations of the claim.

Claims 9- 21: Providing a device for testing a planar material for leakage, comprising: a conveying device for continuously conveying the planar material through a test chamber, wherein at least one of the measuring chamber and the test gas chamber having an open-pore material which, on a side facing away from the planar material, has a planar surface extending from the test chamber inlet duct to the test chamber outlet duct in combination with all of the remaining limitations of the claim.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

The prior art to US 4,791,806 (Wade) discloses a leak detection system for a planar material/plate, comprising a test chamber and measuring chamber, a source of gas with in the measuring chamber; and a leak detector communicating with the measuring chamber.

The prior art to US 2003/0110832 (Carey et al.) discloses a system for detection of small holes in laminates, comprising: conveying a laminate through a leak detection system; applying liquid to the laminate to coat the laminate; applying a vacuum to one side of the laminate to create a pressure differential which allows for pinholes to be detected; and using a machine vision system to detect pinholes in the laminate.

The prior art to US 2002/0060018 (Lindsay et al.) discloses a leakage control system for treatment of moving webs, comprising: conveying a web through a pressurized treatment chamber; providing an upper chamber having a fluid source, and



Art Unit: 2856


a lower chamber having a vacuum source; flexible seal means to seal the treatment chamber; and leak detection means for checking the chamber for leaks.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Larkin  
AU 2856  
27 September 2007



**DANIEL S. LARKIN**  
**PRIMARY EXAMINER**